

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

2007 JUL 27 A 11:59

UNITED STATES OF AMERICA,)

DEBRA P. HACKETT, CLK
PLAINTIFF, U.S. DISTRICT COURT
MIDDLE DISTRICT ALA)

v.)

CIVIL ACTION NO. 2:07-cv-687-JP

APPROXIMATELY TWELVE THOUSAND)

(\$12,000) DOLLARS IN UNITED)

STATES CURRENCY,)

DEFENDANT.)

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States of America (hereinafter, "United States"), by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, in a civil cause of forfeiture in rem respectfully alleges as follows:

NATURE OF THE ACTION

1. This is an action to forfeit and condemn to the use and benefit of the United States the following property: Approximately Twelve Thousand (\$12,000) Dollars in United States currency (hereinafter, "Defendant currency") which was seized from Derrick Wesley Davis on January 18, 2007, for violations of Title II of the Controlled Substances Act, 21 U.S.C. §§ 801 et seq.

JURISDICTION AND VENUE

2. The United States brings this action in rem in its own right to forfeit and condemn the Defendant property under 21 U.S.C.

§ 881. This Court has jurisdiction over this action under 28 U.S.C. §§ 1345 and 1355(a). This Court has in rem jurisdiction over this action under 28 U.S.C. § 1355(b).

3. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1) and 28 U.S.C. § 1395 because the acts or omissions giving rise to the forfeiture occurred in this district and the property is located within the Middle District of Alabama.

THE DEFENDANT IN REM

4. The Defendant consists of approximately Twelve Thousand (\$12,000) Dollars in United States currency (hereinafter, "Defendant currency") which was seized on January 18, 2007.

FACTS

5. The facts and circumstances supporting the seizure of the Defendant currency are as follows:

a) On January 18, 2007, the Dothan Police Department (DPD) received information that a black male in a white Chevrolet Suburban and two black males in a tan Dodge Magnum were involved in a drug transaction in the rear parking lot of the Holiday Inn Express, located at 3071 Ross Clark Circle, Dothan, Alabama.

b) Upon arrival at the scene, detectives made contact with Derrick Wesley Davis [hereinafter, "Davis"], the driver of the Magnum. A DPD detective observed a handgun lying on the driver's floorboard. When asked if he had any weapons, Davis acknowledged that he had a handgun on the floorboard of the car. Davis also

stated he had a gun permit in the car but it was not located.

c) The interior of the Magnum contained a strong odor of raw marijuana. During the search of the vehicle a handgun and a residue amount of marijuana was discovered.

d) During a pat down, the detective felt a large bulge in both of Davis' pants pockets. Davis stated that the bulge was money from his income tax return. Davis later stated that some of the money came from a business, Club Rio. Davis was arrested on drug and weapons charges.

e) Davis was identified as being involved in a Drug Enforcement Administration (hereinafter, "DEA") case for trafficking of cocaine.

f) Davis was previously arrested by the Houston County Sheriff's Office for Marijuana Possession (1st Degree) and received a pre-trial diversion.

g) DPD detectives identified rooms 247 and 249 at the Holiday Inn Express as being related to the investigation. On January 19, 2007, a State of Alabama search warrant was executed at each room. A canine (trained to detect the presence of illegal drugs) alerted to the presence of drugs within the rooms. An alert means the canine has detected the presence of illegal drugs or the by-products, chemicals and substances associated with drug production.

h) Within room 249, there was a strong odor of raw marijuana. A set of digital scales and miscellaneous paperwork was seized therein. Room 249 was rented by Alton Rivers, a known drug trafficker in the Dothan area, and a criminal associate of Davis.

i) Within room 247, there was a strong odor of raw marijuana. Two large plastic gallon-size zip-lock bags containing marijuana residue, a set of digital scales and two boxes of plastic sandwich bags were seized therein. During the search of a closet, three stacks of money were seized from clothing. Two stacks totaled approximately \$5,000.00 each and one stack totaled approximately \$4,000.00. Room 247 was rented by Kionne Edward Johnson, a known drug trafficker in the Dothan area, and a criminal associated of Rivers and Davis. The stacks of cash were seized as drug proceeds.

j) On or about May 1, 2007, Derrick Wesley Davis filed a claim asserting ownership of the Defendant currency.

k) The only reasonable source for the Defendant currency is drug sales.

CLAIM FOR RELIEF

6. The United States repeats and realleges each and every allegation set forth in Paragraphs 1 through 5(k) above.

7. The Defendant currency constitutes monies furnished, or intended to be furnished, in exchange for controlled substances, or

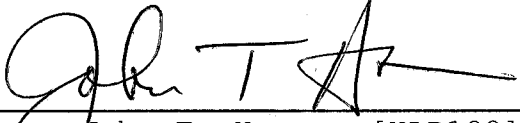
represents proceeds of trafficking in controlled substances or was used or intended to be used to facilitate violations of 21 U.S.C. §§ 801 et seq.

8. As a result of the foregoing, the Defendant currency is liable to condemnation and to forfeiture to the United States for its use in accordance with 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States requests that the Court issue a Warrant for the arrest and seizure of the Defendant currency, pursuant to Supplemental Rule G(3)(b), which will be executed upon the Defendant currency pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c); that the Defendant currency be forfeited and condemned to the United States; that the United States be awarded its costs and disbursements in this action and, for such other and further relief as this Court deems proper and just.

Respectfully submitted this the 27th day of July, 2007.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY



John T. Harmon [HAR108]
Assistant United States Attorney

Address of Counsel:

Office of the United States Attorney
Middle District of Alabama
131 Clayton Street
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

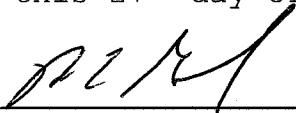
STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

VERIFICATION

I, Robert Greenwood, hereby verify and declare under penalty of perjury that I am a Special Agent with the Drug Enforcement Administration. I have read the Verified Complaint, know the contents thereof, and that the matters contained therein are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and, as to those matters, I believe them to be true.

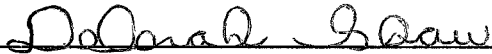
The sources of my knowledge and information are the official files and records of the United States and information supplied to me by other law enforcement officers, as well as my investigation of this case and the investigation of this case by other law enforcement officers.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct this 27th day of July, 2007.



ROBERT GREENWOOD - Special Agent
Drug Enforcement Administration

Sworn to and subscribed before me this 27th day of July, 2007.



Notary Public
Commission Expires: 9.23.09

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
PLAINTIFF,)
)
v.)
)
APPROXIMATELY TWELVE THOUSAND)
(\$12,000) DOLLARS IN UNITED)
STATES CURRENCY,)
)
DEFENDANT.)

CIVIL ACTION NO.

2:07-cv-687-ID

NOTICE OF ARREST AND SEIZURE

Notice is hereby given that the United States of America has filed a Complaint for Forfeiture In Rem and the Court has issued a Warrant of Arrest In Rem for the forfeiture of the Defendant currency, which was seized on January 18, 2007, in Montgomery, Alabama.

Any person claiming an interest in the Defendant currency must file a claim asserting that interest, in the manner set forth in 18 U.S.C. § 983(a)(4)(A) and Supplemental Rule G(5), such claim must be filed not later than 30 days after the date of service of the Complaint or, as applicable, not later than 30 days after the date of final publication of notice of the filing of the Complaint or as otherwise specified by Supplemental Rule G(5). In addition, any person having filed such a claim shall also file an Answer to the Complaint not later than 20 days after the filing of the claim, and shall serve and file the Claim and Answer to the Verified Complaint with the Office of the Clerk, United States District Court for the

Middle District of Alabama, One Church Street, Montgomery, Alabama
36104, with a copy thereof sent to:

John T. Harmon
Assistant United States Attorney
Office of the United States Attorney
Middle District of Alabama
131 Clayton Street
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280.

Additional procedures and regulations regarding this
forfeiture action are found at 19 U.S.C. §§ 1602-1619, and 21
§§ 1316.71-1316.81.

All persons and entities who have an interest in the Defendant
currency may, in addition to filing a claim or in lieu of the
filing of a claim, submit a Petition for Remission or Mitigation of
the forfeiture for a non-judicial determination of this action
pursuant to 28 C.F.R. Part 9.

JESSE SEROYER, JR.
UNITED STATES MARSHAL
MIDDLE DISTRICT OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
PLAINTIFF,)
)
v.)
)
APPROXIMATELY TWELVE THOUSAND)
(\$12,000) DOLLARS IN UNITED)
STATES CURRENCY,)
)
DEFENDANT.)

CIVIL ACTION NO.

2:07-cv-687-Id

WARRANT FOR ARREST IN REM

TO THE UNITED STATES MARSHAL OF THE MIDDLE DISTRICT OF ALABAMA
AND/OR ANY OTHER DULY AUTHORIZED LAW ENFORCEMENT OFFICER:

WHEREAS, a Verified Complaint of Forfeiture In Rem has been
filed in the United States District Court for the Middle District
of Alabama, alleging that the Defendant property is subject to
seizure and forfeiture to the United States pursuant to 21 U.S.C.
§ 881(a)(6) for violation of 21 U.S.C. § 841 et seq.;

And, the Court being satisfied that, based on the Verified
Complaint of Forfeiture In Rem, there is probable cause to believe
that the Defendant currency so described constitutes property
involved in or traceable to such violations of 21 U.S.C. § 841 et
seq., and that grounds for application for issuance of a warrant
for arrest in rem exist, pursuant to Supplemental Rule G of the
Supplemental Rules for Admiralty or Maritime and Asset Forfeiture
Claims;

YOU ARE, THEREFORE, HEREBY COMMANDED to arrest and seize said
Defendant currency, and use your discretion and whatever means

appropriate to protect and maintain said Defendant currency; and,

IT IS FURTHER ORDERED that you shall send any person who reasonably appears to be a potential claimant based upon the facts known to the United States, a copy of this Warrant and Verified Complaint In Rem in a manner consistent with the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, Federal Rules of Civil Procedure; and,

IT IS FURTHER ORDERED that you publish notice to all persons of this action and the procedures to be followed for making a claim as described in this Warrant in a manner consistent with Supplemental Rule G(4)(a); and,

IT IS FURTHER ORDERED that a return of this Warrant shall be promptly made to the Court identifying the individuals upon whom copies were served and the manner employed; and,

IT IS FURTHER ORDERED that all persons claiming an interest in or right against the Defendant currency shall file a claim asserting that interest, in the manner set forth in 18 U.S.C. § 983(a)(4)(A) and Supplemental Rule G(5), and such claim must be filed not later than 30 days after the date of service of the Complaint or, as applicable, not later than 30 days after the date of final publication of notice of the filing of the Complaint, and shall serve and file their answers to the Complaint within twenty (20) days after the filing of the claim with the Office of the Clerk, United States District Court for the Middle District of Alabama, One Church Street, Montgomery, Alabama 36104, with a copy

thereof sent to:

John T. Harmon
Assistant United States Attorney
Office of the United States Attorney
Middle District of Alabama
131 Clayton Street
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280.

Done this the ____ day of _____, 2007.

UNITED STATES DISTRICT JUDGE